

No. 37-16-OR

AN ORDINANCE

An Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the grant of a non-exclusive service driveway easement under the 16th Street Bridge to the Buncher Company as part of its Riverfront Landing development to enable Buncher to have access to buildings that it will construct on its property located on both sides of the 16th Street Bridge.

Whereas, the County of Allegheny owns a bridge spanning the Allegheny River known as the 16th Street Bridge as well as the land beneath this bridge; and

Whereas, the Buncher Company is in the process of developing its property to be known as “Riverfront Landing” which is on the southerly side of the Allegheny River and is located on both sides of the 16th Street Bridge; and

Whereas, the Buncher Company would like to construct a driveway approximately 29’ by 60’ that will run under the 16th Street Bridge to service buildings consisting of a minimum of 50,000 square feet per building to be constructed on both sides of the 16th Street Bridge (the “Buildings”) as more particularly set forth on Exhibit “A” attached hereto; and

Whereas, Article IV, Section 2(k) of the Allegheny County Home Rule Charter vests County Council with the power and duty by ordinance to lease or permit the use of County real property.

The Council of the County of Allegheny hereby enacts as follows:

SECTION 1. Incorporation of the Preamble.

The provisions set forth in the preamble to this Ordinance are incorporated by reference as set forth in their entirety herein.

SECTION 2. Authorization to permit the use of County Real Property.

A. County Council does hereby authorize the granting of a non-exclusive easement to the Buncher Company for the purpose of constructing, operating and maintaining a driveway that will run underneath the 16th Street Bridge, to be used to service the Buildings (hereinafter the “Easement”) as more particularly shown as cross hatched on Exhibit “A,” and

B. County shall have the right to access, enter and occupy the Service Driveway Easement Area for the purpose of bridge inspection, maintenance, construction, repair and renovation as well as ingress and egress to the areas under the Bridge for any

length of time without having any obligation to compensate Buncher, its successors and assigns.

C. The grant of the Easement authorized by this Ordinance shall be subject to such other written terms and conditions as may be prescribed by the County Solicitor and the Department of Public Works to protect the interests of the County, effectuate the purposes of this Ordinance and insure the safety and maintenance of the 16th Street Bridge.

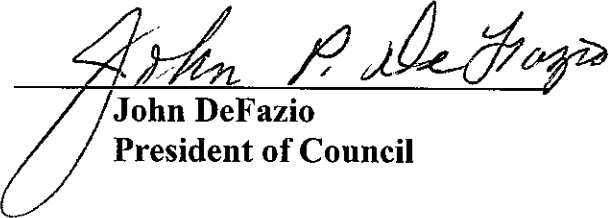
D. The appropriate County officers and officials are authorized to take such action as is necessary to carry out the purposes of the authorization granted herein.

SECTION 3. Severability. *If any provision of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Ordinance, which shall be in full force and effect.*

SECTION 4. Repealer. *Any Resolution or Ordinance or part thereof conflicting with the provisions of this Ordinance is hereby repealed so far as the same affects this Ordinance.*

Enacted in Council, this 18th day of October, 2016

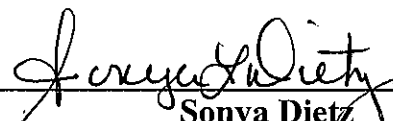
Council Agenda No. 9819-1C


John DeFazio
President of Council

Attest: 
Jared Barker
Chief Clerk of Council

Chief Executive Office October 26, 2016

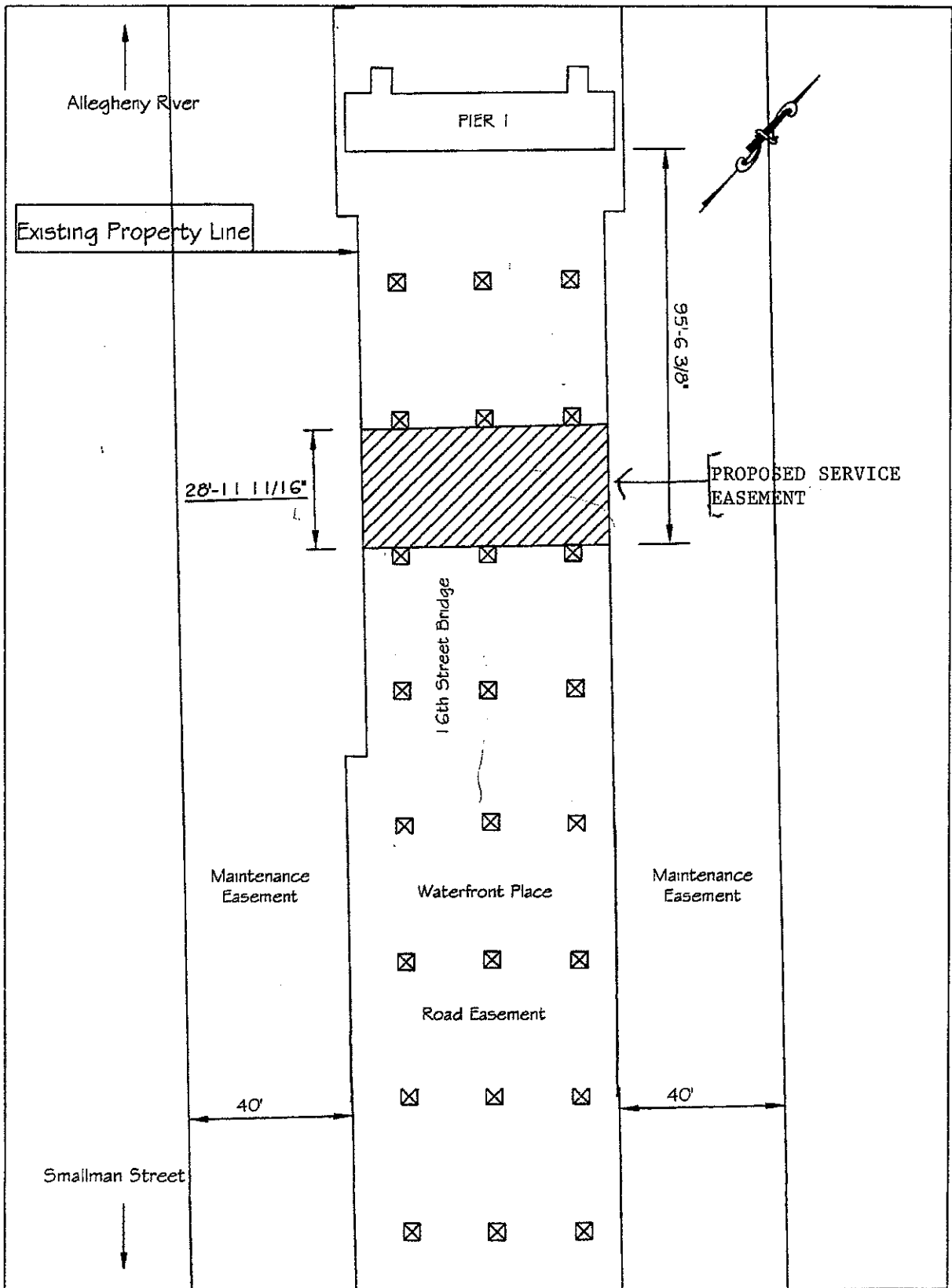
Approved: 
Rich Fitzgerald
County Executive

Attest: 
Sonya Dietz
Executive's Secretary

SUMMARY

The Buncher Company is developing the property that it owns on both sides of the 16th Street Bridge into a mixed use development of office, retail and residential space to be known as “Riverfront Landing.” In order to accommodate said development, Buncher Company would like to install a service driveway under the Bridge to service two buildings that will be located on either side of the proposed easement as indicated on Exhibit A. County shall retain the right to use the proposed easement to access the bridge for repairs and maintenance.

EXHIBIT A



E				<p>The Buncher <small>Professional Plan Book 1 1300 North Avenue, Suite 202 Pittsburgh, PA 15202</small></p>	SERVICE DRIVEWAY EASEMENT EXHIBIT A 16TH STREET BRIDGE CROSSING 2ND WARD, CITY OF PITTSBURGH, ALLEGHENY COUNTY				
D	Revised The Original Drawing For The Request Of M.P.		CJP 12-16-15		SCALE	DRAWN	CHKD.	DRAWING NUMBER	REV.
C	Revised The Original Drawing For The Request Of M.P.		CJP 12-02-14		N.T.S.	A.N.B.	M.E.K.		
B	Revised The Original Drawing For The Request Of M.P.	J.M.E. 02/06/11	J.M.E. 02/06/11		DATES	7-21-2011	7-21-2011	STRIPLEX-PLAN-MEK-C-01	D
REV.	DESCRIPTION	MADECHKO		LOCATION: SECOND WARD, CITY OF PITTSBURGH ALLEGHENY COUNTY, PENNA.					

MEMORANDUM RECEIVED
ALLEGHENY COUNTY COUNCIL
OFFICE OF THE COUNTY MANAGER 2016 SEP -8 AM 10:31

TO: Jared E. Barker
Allegheny County Council

FROM: William D. McKain CPA
County Manager

DATE: September 8, 2016

RE: Proposed Ordinance

Attached is an Ordinance of the County of Allegheny, Commonwealth of Pennsylvania, authorizing the grant of a non-exclusive service driveway easement under the 16th Street Bridge to the Buncher Company as part of its Riverfront Landing development to enable Buncher to have access to buildings that it will construct on its property located on both sides of the 16th Street Bridge.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

I am requesting that this item be placed on the agenda at the next Regular Meeting of Council.